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Peoples Energy Services Corporation)
)
Petition for Relief to Protect)
Portions of PE Services' Report of)
Continued Compliance As an)
Alternative Retail Electric Supplier from)
disclosure for not less than five years)
in order to protect highly confidential)
and proprietary information)

05-0074

PETITION

Peoples Energy Services Corporation ("PE Services"), by its attorneys, McGuireWoods LLP, hereby petitions the Illinois Commerce Commission ("Commission") pursuant to Section 200.430 of the Commission's Rules of Practice (83 Ill. Admin. Code §200.430) for relief to protect from disclosure for not less than five years highly confidential and proprietary information included in PE Services' Report of Continued Compliance stating how PES meets its required technical qualifications ("Compliance Report"). The Compliance Report relates to PE Services' continuing obligation to comply with the requirements for certification pursuant to Section 16-115 of the Public Utilities Act (the "Act") and 83 Ill. Admin. Code Part 451 ("Part 451"). In support of this Petition, PE Services states the following:

1. PE Services is certified as an alternative retail electric supplier ("ARES"). The Commission originally granted PE Services a certificate of service to provide services as an ARES in the service territories of Commonwealth Edison Company and Illinois Power Company on September 14, 1999.

2. On January 28, 2005, PE Services submitted, via overnight

delivery, its Compliance Report for filing with the Commission.

3. Attachment C of PE Services' Compliance Report contains confidential trade information and market sensitive information regarding PE Services' provision of service to non-residential customers in Illinois. PE Services considers this information highly proprietary and confidential information, the disclosure of which to competitors, or potential competitors, would be detrimental to PE Services.

4. The retail electric industry is highly competitive and it is essential that public disclosure of the proprietary and confidential information contained in the Compliance Report be avoided for a period of at least five years because of the competitive harm which disclosure of such information would likely cause PE Services.

5. 83 Ill. Admin. Code Section 451.60 provides, in part, as follows: "If an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430. The applicant or ARES shall designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Chief Clerk of the Commission." In this instance, PE Services, the ARES, marked Attachment C of its Compliance Report as confidential.

6. Section 7(g) of the Illinois Freedom of Information Act provides, in part, that the following are exempt from inspection and copying: "trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of

the trade secrets or information may cause competitive harm.” 5 ILCS §140/7. The information contained in Attachment C of PE Services’ Compliance Report falls within this exemption.

7. PE Services seeks an Order from the Commission, without hearing, protecting from disclosure, for a period of not less than five years from the date of such Order, the trade information contained in PE Services’ Compliance Report.


8. The Commission has previously afforded proprietary and confidential treatment to PE Services’ Annual Kilowatt-Hour and Dekatherm reports. For the foregoing reasons, there are now compelling reasons for also affording a portion of the Compliance Report similar confidential and proprietary treatment.

WHEREFORE, Peoples Energy Services Corporation respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than five years, Attachment C of PE Services’ Compliance Report, which was filed by overnight delivery, with the Chief Clerk of the Commission on January 28, 2005 pursuant to Part 451 regarding PE Services’ Report of Continued Compliance.

Respectfully submitted,

PEOPLES ENERGY SERVICES CORPORATION

By :



Mary Klyasheff
An Attorney for

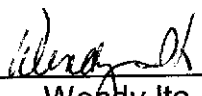
Peoples Energy Services Corporation

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

Wendy Ito, being first duly sworn, deposes and says that she is Director of Business Planning and Development for Peoples Energy Services Corporation; that she has read the foregoing Petition and knows the contents thereof; and that the statements therein contained are true to the best of her knowledge, information and belief.

By: 
Wendy Ito
Peoples Energy Services Corporation

SUBSCRIBED and SWORN to
before me this 25th day of January 2005.


Notary Public

